IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

CRP.No. 990 of 2004

(CR.1614/1973 of TALUK LAND BOARD, ERNAD DATED 20/12/1994)

REVN. PETITIONERCLAIMENT

N.J. GEORGE, NIRACKAL HOUSE,
PAYYANADU P.O.

BY ADV. SRI.P.M.PAULOSE

RESPONDENTS/RESPONDENTS:

1. **TALUK LAND BOARD, REPRESENTED BY ITS CHAIRMAN, ERNADU, COLLECTORATE, MALAPPURAM.**
2. **DISTRICT COLLECTOR, MALAPPURAM.**
3. **VILLAGE OFFICER, PAYYANADU P.O., MANJERI, MALAPPURAM.**
4. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. R.BINDHU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.990 OF 2004

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Dated this the 7th day of September 2007

ORDER

This revision petition is preferred against the order of the Taluk Land Board, Ernad in C.R.No.1614 of 1973. The case of the petitioner is that he has got right and possession over 50 cents of land in R.S.No.32/2 of Payyanad Village by virtue of Document No.587/69 of Sub Registry Office, Manjeri given by his father. The father had obtained the property, according to him, as per Document No.1215/49 and it is further averred that a certificate of purchase has been obtained with respect to this property and therefore the said extent of 50 cents cannot be taken into consideration for fixing the ceiling limit of the declarant and it has to be excluded. The authorised officer has reported that he is in possession of 50 cents and further he has obtained the same by document No.587/69. The Taluk Land Board rejected the case of the petitioner on the ground that 1969 document does not contain Sy.No.32/2. It also found fault with the authorised officer for not stating the same in the report. It is a settled principle that a person may be in possession of the property and there can be omission of survey numbers or there may be mistakes shown in the document. He is claiming

property under the father by virtue of document No.587/69 and that this 50 cents in Sy.No.32/2 is taken in by the document of 1969. The Land Tribunal also has issued a certificate of purchase in favour of the petitioner for the said purpose. So, one cannot simply brush aside the contention of the petitioner on the ground that the survey number does not find a place in the document of 1969.

Therefore, I feel that an opportunity has to be given to the petitioner to substantiate his case that 50 cents of land comprised in Sy.No.32/2 is taken in by the document of 1969 and that his father had obtained the same by a document of 1949. If it is established, necessarily 50 cents have to be excluded from the purview of the ceiling area of the declarant.

The order under challenge is set aside and the matter is remitted back to the Land Tribunal for fresh consideration in the light of the observations mentioned in the earlier paragraphs of this order. Till the matter is finally disposed of, status quo as on today will continue. Parties are directed to appear before the Tribunal on 29.10.2007.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-